

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
2ND FLOOR, CITY COUNCIL CHAMBERS
JUNE 29, 2011
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "B" held a public hearing in City Council Chambers, 2nd floor of the City Hall Building on Wednesday, June 29, 2011 at 5:30 p.m. with the following members present:

Board Members Present:

Ira Barbe
Andrew Haggerty
Matt Bohannon
Angel Miguel Ochoa
Jimmy Stevens
James Ratcliff (alternate)
Ben Bohannon (alternate)

Others Present:

Kurt Fenstermacher, Deputy Director
Bill Stern, Deputy Building Official
Robert Almonte II, Assistant City Attorney
Nellie Avalos, Building Inspector
Robert Gonzalez, Building Inspector
Sonya Calahan, Building Inspector
Sergio Melendez, Building Combination Inspector
Supervisor
Nancy Spencer, Recording Secretary

Absent Members:

Lorraine Huitt
Paul Zacour
Gerardo Licon
James Ratcliff (alternate)

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "B" was called to order by Vice-Chairman, Ira Barbe at 5:35 p.m.

II. Election of Chairman

Motion made by Jimmy Stevens seconded by Matt Bohannon to elect Andrew Haggerty for Chairman unanimously carried.

III. Approval of minutes for the meeting held February 23, 2011

Motion made by Ira Barbe, seconded by Matt Bohannon to approve the February 23, 2011 minutes, unanimously carried.

IV. Any changes to the agenda

Bill Stern requested item #8 to be deleted from the agenda.

Regular Items:

- V. Public hearing to determine if the property located at 809-811 Myrtle Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 7, 2010. The owners Harann Investments, Inc., 700 South

Santa Fe Street, El Paso, Texas, 79901 and Firstlight Federal Credit Union, Lienholder, F/K/A Fort Bliss Federal Credit Union, P.O. Box 24901, El Paso, Texas, 79914- 9001, (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record and presented the case.

Ricardo Flores, Fire Department informed the commission that an investigation was conducted on the property. The property was found to contain a lot of combustibles creating a fire danger. Lt. Flores advised that the property cannot be repaired and agreed with staff recommendations for demolition of the property.

Motion made by Jimmy Stevens, seconded by Ira Barbe, to accept staff recommendations, unanimously carried. (6-0 vote)

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken, and therefore the Division recommends that it be found:

1. That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy remain revoked; and
4. That the structures cannot be rehabilitated; and
5. That the structures be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

- VI. Public hearing to determine if the property located at 2905 Hamilton Ave., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 27, 2009. The owners Amancia Rodriguez, 2905 Hamilton Ave., El Paso, Texas, 79930, Paula Rodriguez, 2905 Hamilton Ave., El Paso, Texas 79930, Jose Luis Rodriguez, 2905 Hamilton Ave., El Paso, Texas, 79930, Linda Ozuna, 2905 Hamilton Ave., El Paso, Texas, 79930 and James Ozuna, 2905 Hamilton Ave., El Paso, Texas, 79930, (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Nellie Avalos, Building Inspector, presented the case.

James Ozuna, one of the property owners was present for public comment. Mr. Ozuna advised that only 2 apartments that were being rehabilitated were assessed by Inspector Avalos. Mr. Ozuna stated that the day the officers arrived to vacate the property, he was there with others cleaning the premises. The commission was informed that the back apartments are only 20 years ago, in good condition and can be repaired. Mr. Ozuna advised that he did not want his property to be demolished.

Paula Rodriguez, one of the other property owners was present for public comment. She too agreed with her brother James Ozuna's request to not demolish the property. Ms. Rodriguez advised that she had obtained proposals for demolition, but the cost was too high. The commission was also informed that she has obtained a quote from a company and was in the process of obtaining a asbestos report. Ms. Rodriguez asked for a three month extension for an opportunity to have an engineer to conduct an inspection and assess whether the property can be rehabilitated.

Leslie Canada from the Police Department was present for public comment. Ms. Canada advised that they were called on May 25, 2011 to assist with vacating and securing the property. The commission was informed that people were sleeping on the balcony area and since the condemnation in 2009 and the revocation of the certificate of occupancy, there have been several police calls to that property.

Vice-Chairman Ira Barbe asked Inspector Avalos how the initial inspection was conducted. Inspector Avalos gave a synopsis from the initial inspection conducted in 2009 to the present date.

Tom Maguire, Chief Building Inspector, was present for discussion. Mr. Maguire advised work done on the apartments without obtaining the proper permits. The commission was informed on the condition of the apartments, what could be reconstructed and salvaged and whether it was cost effective.

Bill Stern, advised that he and Tom Maguire are certified building officials. The commission was informed that he along with Inspector Nellie Avalos conducted the original inspection on the property and recommended that the property be vacated and secured at that time. The commission was reminded to read the notice of public hearing that requires the owner appear before the commission and present any documentation on how the property was to be rehabilitated. Mr. Stern informed that he was in contact with Ms. Rodriguez asking her to bring documentation but as of this date, none was presented to the commission.

Ms. Rodriguez advised that at this time, no documentation was available.

Motion made by Ira Barbe, seconded by Angel Miguel Ochoa, to accept staff recommendations, unanimously carried. (6-0 vote)

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken, and therefore the Department recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy remain revoked; and
4. That the structure cannot be rehabilitated; and
5. That the structure be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

- VII. Public hearing to determine if the property located at 10108 Wolverine Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated March 3, 2011. The owners Luis E. Matos-Osorio, Owner, 10108 Wolverine Drive, El Paso, Texas, 79924-4312, Feliciano R. Matos, 10108 Wolverine Drive, El Paso, Texas, 79924-4312 and CitiFinancial, Inc., Deed of Trust Lien Holder, ATTN: Jesse Colmenero, 907 Chelsea, Suite E, El Paso, Texas, 79903, (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Daniel Lopez, Residential Inspector, presented the case.

Enrique Medrano, attorney representing the owner along with the property owner’s son, Luis Matos was present for discussion. The commission was informed that court documentation was filed the previous week for independent administration of the estate. Mr. Luis Matos was appointed as the independent administrator of the estate. In addition, the commission was informed that there was insurance on the property and there would be a hearing on the estate of Feliciano R. Matos. Mr. Medrano requested an extension of time to allow time to have the hearing.

Bill Stern, Deputy Building Official advised if an engineer’s report can be provided for an assessment of the property along with preliminary plans within the next 30 days, An appeal may also be filed within the next 20 days.

Ricardo Flores, Fire Department advised that he has no information on the condition of the property and was concerned on debris as a fire hazard.

Luis Matos, son of the property owners was present for discussion. The commission was informed that he has been cleaning up the fire debris on the property.

Sergio Melendez, Building Combination Inspector Supervisor advised that he along with Residential Inspectors Nellie Avalos and Daniel Lopez went to visit the property on this date. Nellie Avalos advised that there is wrought iron all around the house but the property was accessible through a window. The front property area is clean but the back area still has debris.

Motion made by Jimmy Stevens, exception of Item 5 seconded by Angel Miguel Gomez, to accept staff recommendations with the deletion of Item #5 that the property be demolished, unanimously carried. (6-0 vote)

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure certificate of occupancy be revoked; and
4. That the structure cannot be rehabilitated; and

5. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 6. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VIII. Public hearing to determine if the property located at 4620 Sun Valley Dr., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated April 27, 2011. The owners Nona Lynn Wessinger owner, 4620 Sun Valley Dr., El Paso, Texas, 79924, CitiFinancial Mortgage Co, Inc., Operation Dept., 14415 South 50th St. Suite 100, Phoenix, Arizona, 85044-1630 and Bank of the West, 500 North Mesa St., El Paso, Texas, 79901, (the “**Owners**”) have been notified of the violations at this property.

This item deleted from agenda

- IX. Public hearing to determine if the property located at 5540 Longview Circle, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 12, 2011. Aida Luz Ortiz, Jose Antonio Ortiz and wife Luz M. Ortiz, 5540 Longview Circle, El Paso, Texas, 79924, (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Robert Gonzalez, Residential Inspector, presented the case.

Aida Luz Orti, property owner and Carmen Ortiz, daughter of Aida Luz Ortiz one of the property owners was present for discussion. The commission was informed an insurance claim is pending until the investigation on the fire is completed and was told that the property was repairable.

Bill Stern, Deputy Building Official advised that he wants to see engineers report saying that it can be repaired.

Motion made by Jimmy Stevens, seconded by Ben Bohannon, to accept staff recommendations, unanimously carried. (6-0 vote)

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure cannot be rehabilitated; and
5. That the structure be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and

7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- X. Public hearing to determine if the property located at 1501-1511 N. Brown, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 24, 2011. ECCE Realty Inc., 1112 Montana Avenue, El Paso, Texas, 79902 and ECCE Realty Inc., 1501 North Brown Street, El Paso, Texas, 79902-4722, (the "**Owners**"), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Nellie Avalos, Residential Inspector, presented the case.

Motion made by Ira Barbe, seconded by Jimmy Stevens, to accept staff recommendations, unanimously carried. (6-0 vote)

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken, and therefore the Division recommends that it be found:

1. That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures certificate of occupancy be revoked; and
 4. That the structures can be rehabilitated; and
 5. That the structures be secured within thirty (30) days and maintained secure until rehabilitated; and
 6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- XI. Update on cases heard by the commission to determine if recommendations have been complied with.

Bill Stern, Deputy Building Official presented the report.

The commission was provided with an update of the status of the cases previously heard by this panel.

Jimmy Stevens asked what the definition of NSP fund was, The commission was informed that the NSP funds were to help rebuild blighted areas.

- XII. Adjournment

Motion was unanimously carried to adjourn this meeting at 7:20 p.m.

Andrew Haggerty, Chairman

Bill Stern, C.B.O., Deputy Building Official
Code Compliance Division